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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/704,322

11/02/2000

Richard Ruben

3188/1H005-US1

4924

7590

06/16/2006

Darby & Darby PC
805 Third Avenue
New York, NY 10022

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/704,322

Examiner

Naresh Vig

Applicant(s)

RUBEN ET AL.

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 12 May 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other:

The Declaration filed on 12 May 2006 to remove Lebedz US Patent 6,993,576 as a reference and request for withdrawal of office action mailed 13 March 2002 are being considered. Office will issue an office action after the conclusion of the consideration of the request, re-evaluation of the previously cited prior art and any new prior art found while conducting a new search in view of the pending claims filed on 02 November 2004.



Naresh Vig
Patent Examiner
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